

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM
Section 5: Rio Gallina

**JOINT MOTION TO AMEND
SCHEDULING ORDER ON IRRIGATION WATER REQUIREMENTS**

The Gallina – Capulin Acequias in Section 5 (“Acequias”) and the Plaintiff State of New Mexico, *ex rel.* State Engineer (“State”) jointly move to amend the February 15, 2005 Scheduling Order on Irrigation Water Requirements (Doc. No. 7761) to require that the State and the Acequias report to the Court by January 31, 2007 whether the State and Acequias have approved a Stipulation and Settlement Agreement concerning irrigation water requirements in Section 5.

As grounds for the this Motion, movants state the following:

1. The State and Acequias reported to the Court at the November 6, 2006 status conference that the parties had reached a settlement in principle on irrigation water requirements in Section 5. The proposed settlement involves a determination of CIR, FDR and PDR for irrigation purposes for the ditches in Section 5.

2. The State has drafted a proposed Stipulation and Settlement Agreement (“Agreement”) that is under review by the staff of the Office of the State Engineer.

3. Upon receipt of the Agreement the Acequias will convene to review the proposed Agreement.

4. Due to the uncertainties in the schedules of all parties during the holiday season, the parties anticipate that the soonest that the Agreement might be reviewed and approved would be sometime in January of 2007.

WHEREFORE the State and Acequias jointly requests the Court to enter its order amending the February 15, 2005 Scheduling Order on Irrigation Water Requirements to require that the State and Acequias report to the Court by January 31, 2007 whether the parties have signed and approved a Stipulation and Settlement Agreement concerning irrigation water requirements in Section 5.

DATED: December 12, 2006

Respectfully submitted,

/s/ Ed Newville
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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was transmitted by ACE filing to the following this 13 day of December 2006:

Special Master Vickie L. Gabin
USDC-DCNM
P.O. Box 2384
Santa Fe, NM 87504-2384

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/s/ Ed Newville
Edward G. Newville